MONTANA LEGISLATIVE HISTORY

Chapter 29 19 2001

Bill H 23 S _____ Original bill & history ✓ C

H. Committee on Taxation			S. Committee on Taxation		
Hearing Date(s)	_____	___C	Hearing Date(s)	_____	___C
	1/9	✓ C		2/1	✓ C
	_____	___C		_____	___C
	_____	___C		_____	___C
Date Out	1/15	✓ C		2/6	✓

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

	Transmitted to Senate		
1/24	Referred to Natural Resources		
1/29	Hearing		
2/05	Committee Executive Action--Bill Concurred	8	0
2/05	Committee Report--Bill Concurred		
2/06	2nd Reading Concurred on Voice Vote	50	0
2/07	3rd Reading Concurred	50	0
	Returned to House		
2/08	Sent to Enrolling		
2/08	Returned from Enrolling		
2/09	Signed by Speaker		
2/12	Signed by President		
2/12	Transmitted to Governor		
2/19	Signed by Governor		
2/19	Chapter Number Assigned		
	Chapter Number 19		
	Effective Date: 2/19/2001 - All Sections		

HB 23 Introduced by R. Erickson *LC0190 Drafter: Martin*

Generally Revise Local Government Debt Limits and Certain Bonding Provisions

By Request of Revenue and Taxation Interim Committee

9/18	Fiscal Note Needed		
11/22	Introduced		
12/10	Fiscal Note Requested		
12/26	Referred to Taxation		
1/09	Fiscal Note Received		
1/09	Hearing		
1/11	Fiscal Note Printed		
1/15	Committee Executive Action--Bill Passed	20	0
1/15	Committee Report--Bill Passed		
1/15	Revised Fiscal Note Requested		
1/16	Revised Fiscal Note Received		
1/16	2nd Reading Passed	98	1
1/17	3rd Reading Passed	95	1
	Transmitted to Senate		
1/18	Referred to Taxation		
2/01	Hearing		
2/06	Committee Executive Action--Bill Concurred	9	0
2/06	Committee Report--Bill Concurred		
2/10	2nd Reading Concurred on Voice Vote	43	0
2/12	3rd Reading Concurred	47	3
	Returned to House		
2/15	Sent to Enrolling		
2/16	Returned from Enrolling		
2/16	Signed by Speaker		
2/20	Signed by President		
2/20	Transmitted to Governor		
3/02	Signed by Governor		
3/02	Chapter Number Assigned		
	Chapter Number 29		
	Effective Date: 7/01/2001 - All Sections		

HOUSE BILL NO. 23

INTRODUCED BY R. ERICKSON

BY REQUEST OF THE REVENUE AND TAXATION INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS IN WHICH TAXABLE VALUE OF A LOCAL GOVERNMENT UNIT IS USED FOR ESTABLISHING DEBT LIMITS AND FOR OTHER PURPOSES; SUBSTITUTING ASSESSED VALUE FOR TAXABLE VALUE FOR THE ISSUANCE OF BONDS BY A POLITICAL SUBDIVISION FOR SELF-INSURANCE; SUBSTITUTING ASSESSED VALUE FOR TAXABLE VALUE FOR ESTABLISHING DEBT LIMITS FOR LOCAL GOVERNMENT UNITS; GENERALLY EXPANDING DEBT LIMITATIONS OF LOCAL GOVERNMENT UNITS; SUBSTITUTING ASSESSED VALUE FOR TAXABLE VALUE FOR THE PURPOSES OF SETTING A TAX LEVY FOR FIREFIGHTERS' DISABILITY AND PENSION FUNDS; SUBSTITUTING ASSESSED VALUE FOR TAXABLE VALUE FOR THE ISSUANCE OF BONDS FOR WORKERS' COMPENSATION INSURANCE; AMENDING SECTIONS 2-9-211, 7-3-1321, 7-6-2211, 7-6-4121, 7-7-107, 7-7-108, 7-7-2101, 7-7-2203, 7-7-2301, 7-7-4201, 7-7-4202, 7-13-237, 7-13-309, 7-13-4103, 7-14-236, 7-14-2524, 7-14-2525, 7-14-4402, 7-16-2327, 7-16-2433, 7-16-4104, 7-31-106, 7-31-107, 7-33-2109, 7-33-2404, 7-34-2131, 15-23-703, 15-36-324, 19-18-503, 19-18-504, 39-71-403, AND 85-9-406, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-9-211, MCA, is amended to read:

"2-9-211. Political subdivision insurance. (1) All political subdivisions of the state may procure insurance separately or jointly with other subdivisions and may elect to use a deductible or self-insurance plan, wholly or in part. Political subdivisions that elect to procure insurance jointly (pooled fund) under this section may obtain excess coverage from a surplus lines insurer without proceeding under the provisions of 33-2-302(2) through (4). Political subdivisions that are not in a pooled fund may obtain excess coverage from a surplus lines insurer without proceeding under the provisions of 33-2-302(2) through (4) only if the insurer carries an A rating or better by a nationally recognized rating company or is a Lloyds of London underwriter.

(2) A political subdivision that elects to establish a deductible plan may establish a deductible reserve separately or jointly with other subdivisions.

(3) A political subdivision that elects to establish a self-insurance plan may accumulate a self-insurance reserve fund, separately or jointly with other subdivisions, sufficient to provide self-insurance for all liability coverages that, in its discretion, the political subdivision considers should be self-insured. Payments into the reserve fund must be made from local legislative appropriations for that purpose or from the proceeds of bonds or notes authorized by subsection (5). Proceeds of the fund may be used only to pay claims under parts 1 through 3 of this chapter and for actual and necessary expenses required for the efficient administration of the fund.

(4) Money in reserve funds established under this section not needed to meet expected expenditures must be invested, and all proceeds of the investment must be credited to the fund.

(5) A political subdivision may issue and sell its bonds or notes for purposes of funding a self-insurance or deductible reserve fund and costs incident to the reserve fund in an amount not exceeding ~~3%~~ 0.18% of the ~~taxable~~ total assessed value of taxable property, determined as provided in 15-8-111, within the political subdivision as of the date of issuance. The bonds or notes must be authorized by resolution of the governing body, are payable from the taxes authorized by 2-9-212, may be sold at public or private sale, do not constitute debt within the meaning of any statutory debt limitation, and may contain other terms and provisions as the governing body determines. Two or more political subdivisions may agree pursuant to an interlocal agreement to exercise their respective borrowing powers under this section jointly and may authorize a joint board created pursuant to the agreement to exercise powers on their behalf."

Section 2. Section 7-3-1321, MCA, is amended to read:

"7-3-1321. Authorization to incur indebtedness -- limitation. (1) The consolidated municipality may borrow money or issue bonds for any municipal purpose to the extent and in the manner provided by the constitution and laws of Montana for the borrowing of money or issuing of bonds by counties and cities and towns.

(2) The municipality may not become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate ~~exceeding 28%~~ that exceeds 1.51% of the ~~taxable~~ total assessed value of ~~the~~ taxable property, determined as provided in 15-8-111, ~~therein~~ within the

municipality, as ascertained by the last assessment for state and county taxes prior to incurring ~~such~~ indebtedness. All warrants, bonds, or obligations in excess of ~~such~~ the amount given by or on behalf of the municipality ~~shall be~~ are void."

Section 3. Section 7-6-2211, MCA, is amended to read:

"7-6-2211. Authorization to conduct county business on a cash basis. (1) If the total indebtedness of a county, lawful when incurred, exceeds the limit ~~of 23%~~ established in 7-~~7~~-2101 by reason of great diminution of ~~taxable~~ assessed value, the county may conduct its business affairs on a cash basis and pay the reasonable and necessary current expenses of the county out of the cash in the county treasury derived from its current revenue and under the restrictions and regulations that may be imposed by the board of county commissioners of the county by a resolution ~~duly~~ adopted and included in the minutes of the board.

(2) This section does not restrict the right of the board to make the necessary tax levies for interest and sinking fund purposes, and this section does not affect the right of ~~any~~ a creditor of the county to pursue any remedy now given by law to obtain payment of a claim.

(3) Subsection (1) does not apply to a county that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."

Section 4. Section 7-6-4121, MCA, is amended to read:

"7-6-4121. Authorization to conduct municipal business on a cash basis. (1) If the total indebtedness of a city or town has reached ~~17%~~ 0.92% of the total ~~taxable~~ assessed value of ~~the~~ taxable property, determined as provided in 15-8-111, ~~of~~ within the city or town ~~subject to taxation~~, as ascertained by the last assessment for state and county taxes, the city or town may conduct its affairs and business on a cash basis as provided by subsection (2).

(2) (a) Whenever a city or town is conducting its business affairs on a cash basis, the reasonable and necessary current expenses of the city or town may be paid out of the cash in the city or town treasury and derived from its current revenue, under any restrictions and regulations as the city or town governing body may by ordinance prescribe.

(b) In the event that payment is made in advance, the city or town may require a cash deposit as collateral security and indemnity, equal in amount to the payment, and may hold the deposit as a special

deposit with the city treasurer or town clerk, in package form, as a pledge for the fulfillment and performance of the contract or obligation for which the advance is made.

(c) Before the payment of the current expenses described in subsection (2)(a), the city or town council shall first set apart sufficient money to pay the interest upon its legal, valid, and outstanding bonded indebtedness and any sinking funds provided for and is authorized to pay all valid claims against funds raised by tax especially authorized by law for the purpose of paying the claims.

(3) This section does not apply to a city or town that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."

Section 5. Section 7-7-107, MCA, is amended to read:

"7-7-107. Limitation on amount of bonds for city-county consolidated units. (1) Except as provided in 7-7-108, a city-county consolidated local government may not issue bonds for any purpose in an amount that, with all outstanding indebtedness, exceeds:

~~(a) (i) 39%~~ 2.5% of the ~~taxable~~ total assessed value of ~~the~~ taxable property, determined as provided in 15-8-111, ~~of~~ within the ~~local~~ consolidated government ~~subject to taxation~~, as ascertained by the last assessment for state and county taxes~~; plus~~

~~(ii) an additional 50% of the taxable value of telecommunications property under 15-6-141 within the local government for tax year 1999, multiplied by 39%, and an additional 50% of the taxable value attributable to electrical generation property under 15-6-141 within the local government for tax year 1999, multiplied by 39%; plus~~

~~(b) for bonds to be issued during fiscal year 2001, an additional 25% of the taxable value of class six property within the local government for tax year 1999, multiplied by 39%, and an additional 60% of the taxable value of class eight property within the local government for tax year 1999, multiplied by 39%;~~

~~(c) for bonds to be issued during fiscal year 2002, an additional 50% of the taxable value of class six property within the local government for tax year 1999, multiplied by 39%, and an additional 60% of the taxable value of class eight property within the local government for tax year 1999, multiplied by 39%;~~

~~(d) for bonds to be issued during fiscal year 2003, an additional 75% of the taxable value of class six property within the local government for tax year 1999, multiplied by 39%, and an additional 60% of the taxable value of class eight property within the local government for tax year 1999, multiplied by 39%;~~

~~(e) for bonds to be issued during fiscal years in which the tax rate for class eight property is 2%;~~

~~an additional 100% of the taxable value of class six property within the local government for tax year 1999, in each case of class six property, multiplied by 39%, and an additional 77% of the taxable value of class eight property within the local government for tax year 1999, multiplied by 39%;~~

~~(f) for bonds to be issued during fiscal years in which the tax rate for class eight property is 1%, an additional 94% of the taxable value of former class eight property within the local government for tax year 1999, in each case of former class eight property, multiplied by 39%; and~~

~~(g) for bonds to be issued during the fiscal year and succeeding fiscal years in which 15-6-138 is repealed, an additional 100% of the taxable value of class eight property within the local government for tax year 1999, in each case of former class eight property, multiplied by 39%~~.

(2) The issuing of bonds for the purpose of funding or refunding outstanding warrants or bonds is not the incurring of a new or additional indebtedness but is merely the changing of the evidence of outstanding indebtedness."

Section 6. Section 7-7-108, MCA, is amended to read:

"7-7-108. Authorization for additional indebtedness for water or sewer systems. (1) For the purpose of constructing a sewer system or procuring a water supply or constructing or acquiring a water system for a city-county consolidated government that owns and controls the water supply and water system and devotes the revenue from the supply and system to the payment of the debt, a city-county consolidated government may incur an additional indebtedness by borrowing money or issuing bonds.

(2) The additional indebtedness that may be incurred by borrowing money or issuing bonds for the construction of a sewer system or for the procurement of a water supply or for both purposes may not in the aggregate exceed 10% ~~of~~ over and above the debt limitation~~, as adjusted,~~ referred to in 7-7-107 ~~of the taxable value of the property of the consolidated government subject to taxation as ascertained by the last assessment for state and county taxes~~."

Section 7. Section 7-7-2101, MCA, is amended to read:

"7-7-2101. Limitation on amount of county indebtedness. (1) A county may not ~~become indebted in any manner or~~ issue bonds or incur other indebtedness for any purpose in an amount, including existing indebtedness, that in the aggregate ~~exceeding 23%~~ exceeds 1.4% of the total ~~of the taxable~~ assessed value of ~~the~~ taxable property, determined as provided in 15-8-111, ~~in~~ within the county, ~~subject to~~

~~taxation~~ as ascertained by the last assessment for state and county taxes. ~~plus:~~

~~(a) (i) the value provided by the department of revenue in 15-36-324(13), as ascertained by the last assessment for state and county taxes previous to the incurring of the indebtedness;~~

~~(ii) an additional 50% of the taxable value of telecommunications property under 15-6-141 within the county for tax year 1999, multiplied by 23%, and an additional 50% of the taxable value attributable to electrical generation property under 15-6-141 within the county for tax year 1999, multiplied by 23%;~~

~~(b) for indebtedness to be incurred during fiscal years 1999 through 2008, an additional 33% of the taxable value of class eight property within the county for tax year 1995, multiplied by 23%;~~

~~(c) for indebtedness to be incurred during fiscal year 2001, an additional 25% of the taxable value of class six property within the county for tax year 1999, multiplied by 23%, and an additional 60% of the taxable value of class eight property within the county for tax year 1999, multiplied by 23%;~~

~~(d) for indebtedness to be incurred during fiscal year 2002, an additional 50% of the taxable value of class six property within the county for tax year 1999, multiplied by 23%, and an additional 60% of the taxable value of class eight property within the county for tax year 1999, multiplied by 23%;~~

~~(e) for indebtedness to be incurred during fiscal year 2003, an additional 75% of the taxable value of class six property within the county for tax year 1999, multiplied by 23%, and an additional 60% of the taxable value of class eight property within the county for tax year 1999, multiplied by 23%;~~

~~(f) for indebtedness to be incurred during fiscal years in which the tax rate for class eight property is 2%, an additional 100% of the taxable value of class six property within the county for tax year 1999, in each case of class six property, multiplied by 23%, and an additional 77% of the taxable value of class eight property within the county for tax year 1999, multiplied by 23%;~~

~~(g) for indebtedness to be incurred during fiscal years in which the tax rate for class eight property is 1%, an additional 94% of the taxable value of former class eight property within the county for tax year 1999, in each case of former class eight property, multiplied by 23%; and~~

~~(h) for indebtedness to be incurred during the fiscal year and succeeding fiscal years in which 15-6-138 is repealed, an additional 100% of the taxable value of former class eight property within the county for tax year 1999, in each case of former class eight property, multiplied by 23%.~~

(2) ~~A~~ Except as provided in 7-7-2402, 7-21-3413, and 7-21-3414, a county may not incur indebtedness or liability for any single purpose to an amount exceeding $500,000 without the approval of a majority of the electors of the county voting at an election ~~to be~~ as provided by law~~, except as~~

~~provided in 7-7-2402, 7-21-3413, and 7-21-3414~~.

(3) This section does not apply to the acquisition of conservation easements as set forth in Title 76, chapter 6."

Section 8. Section 7-7-2203, MCA, is amended to read:

"7-7-2203. Limitation on amount of bonded indebtedness. (1) Except as provided in ~~subsections~~ subsection (2) ~~and (3)~~, a county may not issue general obligation bonds for any purpose in an amount that, with all outstanding bonds and warrants except emergency bonds, ~~will exceed~~ exceeds the debt limitation referred to in 7-7-2101 ~~11.25% of the total of the taxable value of the property in the county plus:~~

~~(a) (i) the value provided by the department of revenue under 15-36-324(13), to be ascertained by the last assessment for state and county taxes prior to the proposed issuance of bonds;~~

~~(ii) for general obligation bonds to be issued during fiscal years 1999 through 2008, an additional 33% of the taxable value of class eight property within the county for tax year 1995, multiplied by 11.25%; and~~

~~(iii) an additional 50% of the taxable value of telecommunications property under 15-6-141 within the county for tax year 1999, multiplied by 11.25%, and an additional 50% of the taxable value attributable to electrical generation property under 15-6-141 within the county for tax year 1999, multiplied by 11.25%;~~

~~(b) for general obligation bonds to be issued during fiscal year 2001, an additional 25% of the taxable value of class six property within the county for tax year 1999, multiplied by 11.25%, and an additional 60% of the taxable value of class eight property within the county for tax year 1999, multiplied by 11.25%;~~

~~(c) for general obligation bonds to be issued during fiscal year 2002, an additional 50% of the taxable value of class six property within the county for tax year 1999, multiplied by 11.25%, and an additional 60% of the taxable value of class eight property within the county for tax year 1999, multiplied by 11.25%;~~

~~(d) for general obligation bonds to be issued during fiscal year 2003, an additional 75% of the taxable value of class six property within the county for tax year 1999, multiplied by 11.25%, and an additional 60% of the taxable value of class eight property within the county for tax year 1999, multiplied by 11.25%;~~

~~(e) for general obligation bonds to be issued during fiscal years in which the tax rate for class eight property is 2%, an additional 100% of the taxable value of class six property within the county for tax year 1999, in each case of class six property, multiplied by 11.25%, and an additional 77% of the taxable value of class eight property within the county for tax year 1999, multiplied by 11.25%;~~

~~(f) for general obligation bonds to be issued during fiscal years in which the tax rate for class eight property is 1%, an additional 94% of the taxable value of former class eight property within the county for tax year 1999, in each case of former class eight property, multiplied by 11.25%; and~~

~~(g) for general obligation bonds to be issued during the fiscal year and succeeding fiscal years in which 15-6-138 is repealed, an additional 100% of the taxable value of former class eight property within the county for tax year 1999, in each case of former class eight property, multiplied by 11.25%.~~

~~(2) In addition to the bonds allowed by subsection (1), a county may issue bonds for the construction or improvement of a detention center that will not exceed 12.5% of the taxable value of the property in the county subject to taxation, plus the adjustments permitted by subsection (1).~~

~~(3)~~(2) The limitation in subsection (1) does not apply to refunding bonds issued for the purpose of paying or retiring county bonds lawfully issued prior to January 1, 1932, or to bonds issued for the repayment of tax protests lost by the county."

Section 9. Section 7-7-2301, MCA, is amended to read:

"7-7-2301. Authority to issue refunding general obligation bonds. (1) The board of county commissioners of ~~each~~ a county ~~of the state~~ may issue, negotiate, and sell coupon bonds on the credit of the county, as provided in part 22 and this part, for the purpose of refunding, paying, and redeeming optional, redeemable, or maturing bonds when:

(a) there are not sufficient funds available to pay the bonds or there is a reduction in debt service as a result of issuing refunding bonds pursuant to 7-7-2304; and

(b) it is considered in the best interests of the county to refund the bonds.

(2) (a) The board has the authority to negotiate with the holders of the bonds of the county for an agreement or agreements whereby the bondholders agree to accept less than the full amount of the bonds and the accrued unpaid interest on the bonds as full payment and satisfaction of the bonds, to enter into the agreement or agreements, and to issue refunding bonds for the amount agreed upon whenever:

(i) the total indebtedness of a county exceeds ~~5%~~ 0.3% of the total assessed value of ~~the~~ taxable

property, determined as provided in 15-8-111, ~~in~~ within the county, as ascertained by the last assessment for state and county taxes; and

(ii) the board of county commissioners of the county determines that the county is unable to pay and discharge the indebtedness in full.

(b) These bonds may be issued in more than one series if the circumstances require, and each series may be either amortization bonds or serial bonds. The plan agreed upon between the board and the bondholders must be embodied in full in the resolution providing for the issue of the bonds."

Section 10. Section 7-7-4201, MCA, is amended to read:

"7-7-4201. Limitation on amount of bonded indebtedness. (1) Except as ~~otherwise~~ provided in 7-7-4202, a city or town may not issue bonds or incur other indebtedness for any purpose in an amount that with all outstanding and unpaid indebtedness ~~will exceed 28%~~ exceeds 1.51% of the ~~taxable~~ total assessed value of ~~the~~ taxable property, determined as provided in 15-8-111, ~~in~~ within the city or town ~~subject to taxation, to be~~ as ascertained by the last assessment for state and county taxes~~, plus:~~

~~(a) for bonds to be issued or other indebtedness to be incurred during fiscal years 1999 through 2008, an additional 33% of the taxable value of class eight property within the city or town for tax year 1995, multiplied by 28%; and~~

~~(b) an additional 50% of the taxable value of telecommunications property under 15-6-141 within the city or town for tax year 1999, multiplied by 28%, and an additional 50% of the taxable value attributable to electrical generation property under 15-6-141 within the city or town for tax year 1999, multiplied by 28%~~.

(2) The issuing of bonds for the purpose of funding or refunding outstanding warrants or bonds is not the incurring of a new or additional indebtedness but is merely the changing of the evidence of outstanding indebtedness.

(3) The limitation in subsection (1) does not apply to bonds issued for the repayment of tax protests lost by the city or town."

Section 11. Section 7-7-4202, MCA, is amended to read:

"7-7-4202. Special provisions relating to water and sewer systems. (1) ~~Notwithstanding the provisions of~~ A city or town may incur an additional indebtedness by borrowing money or issuing bonds

beyond the amount authorized in 7-7-4201, for the purpose of constructing a sewer system, procuring a water supply, or constructing or acquiring a water system for a city or town that owns and controls the water supply and water system and devotes the revenue from the water supply and water system to the payment of the debt~~, a city or town may incur an additional indebtedness by borrowing money or issuing bonds~~.

(2) The additional total indebtedness that may be incurred by borrowing money or issuing bonds for the construction of a sewer system, for the procurement of a water supply, or for both of the purposes, including all indebtedness that is contracted and that is unpaid or outstanding, may not in the aggregate exceed 55% ~~of~~ over and above the debt limitation referred to in 7-7-4201 ~~of the taxable value of the property in the city or town subject to taxation, to be ascertained by the last assessment for state and county taxes, plus:~~

~~(a) for indebtedness to be incurred during fiscal years 1999 through 2008, an additional 33% of the taxable value of class eight property within the city or town for tax year 1995, multiplied by 55%; and~~

~~(b) an additional 50% of the taxable value of telecommunications property under 15-6-141 within the city or town for tax year 1999, multiplied by 55%, and an additional 50% of the taxable value attributable to electrical generation property under 15-6-141 within the city or town for tax year 1999, multiplied by 55%~~."

Section 12. Section 7-13-237, MCA, is amended to read:

"7-13-237. Solid waste management district bonds authorized. (1) With the approval of the board of county commissioners, a solid waste management district may borrow money by the issuance of its bonds to:

(a) provide funds for payment of part or all of the cost of acquisition of property, construction of improvements, and purchase of equipment;

(b) provide an adequate working capital; and

(c) pay costs related to the planning, designing, and financing of a solid waste management system.

(2) The amount of bonds issued for the purposes provided ~~for~~ in subsection (1) and outstanding at any time may not exceed ~~22.5%~~ 1.4% of the ~~taxable~~ total assessed value of ~~the~~ taxable property, determined as provided in 15-8-111, ~~in~~ within the district, as ascertained by the last assessment for state

and county taxes prior to the issuance of the bonds.

(3) Each year at the time of levying county taxes, the board of county commissioners shall fix and levy a tax upon all property within the district that is sufficient to raise the amount necessary for the payment of bonded indebtedness.

(4) The bonds must be authorized, sold, and issued and provisions must be made for their payment in the manner and subject to the conditions and limitations prescribed for bonds of school districts in Title 20, chapter 9, part 4."

Section 13. Section 7-13-309, MCA, is amended to read:

"**7-13-309. Joint district bonds authorized.** (1) Upon approval of the board of directors of the joint district, a joint district may borrow money by the issuance of its bonds to:

(a) provide funds for payment of part or all of the cost of acquisition of property, construction of improvements, and purchase of equipment;

(b) provide an adequate working capital; and

(c) pay costs related to the planning, designing, and financing of a solid waste management system.

(2) The amount of bonds issued for the purposes provided in subsection (1) and outstanding at any time may not exceed ~~22.5%~~ 1.4% of the ~~taxable~~ total assessed value of ~~the~~ taxable property, determined as provided in 15-8-111, ~~in~~ within the joint district, as ascertained by the last assessment for state and county taxes prior to the issuance of the bonds.

(3) Each year at the time of levying county taxes, the board of county commissioners of each county in the joint district shall fix and levy a tax upon all property in the county within the joint district that is sufficient to raise the amount certified by the board of directors of the joint district for the payment of bonded indebtedness of the district.

(4) The bonds must be authorized, sold, and issued and provisions must be made for their payment in the manner and subject to the conditions and limitations prescribed for bonds of school districts in Title 20, chapter 9, part 4. The issuance of the bonds must be approved in each county by the joint district electorate voting on the question."

Section 14. Section 7-13-4103, MCA, is amended to read:

"**7-13-4103. Limitation on indebtedness for acquisition of natural gas system.** The total amount of indebtedness authorized to be contracted in any form, including the then-existing indebtedness, ~~must~~ may not at any time exceed ~~17%~~ 0.92% of the total ~~taxable~~ assessed value of ~~the~~ taxable property, determined as provided in 15-8-111, ~~of~~ within the city or town ~~subject to taxation~~, as ascertained by the last assessment for state and county taxes."

Section 15. Section 7-14-236, MCA, is amended to read:

"**7-14-236. Limitation on bonded indebtedness.** The amount of bonds issued to provide funds for the district and outstanding at any time ~~shall~~ may not exceed ~~28%~~ 1.51% of the ~~taxable~~ total assessed value of taxable property, determined as provided in 15-8-111, ~~therein~~ within the district, as ascertained by the last assessment for state and county taxes ~~previous~~ prior to the issuance of ~~such~~ the bonds."

Section 16. Section 7-14-2524, MCA, is amended to read:

"**7-14-2524. Limitation on amount of bonds issued -- excess void.** (1) Except as otherwise provided in 7-7-2203, 7-7-2204, and this section, a county may not issue bonds in an amount that, with all outstanding bonds and warrants except emergency bonds, ~~will exceed 11.25%~~ exceeds 0.68% of the total ~~of the taxable~~ assessed value of ~~the~~ taxable property, determined as provided in 15-8-111, ~~in~~ within the county, as ascertained by the last assessment for state and county taxes. ~~plus:~~

~~(a) (i) the value provided by the department of revenue under 15-36-324(13). The taxable property and the amount of taxes levied on new production, production from horizontally completed wells, and incremental production must be ascertained by the last assessment for state and county taxes prior to the issuance of the bonds.~~

~~(ii) an additional 50% of the taxable value of telecommunications property under 15-6-141 within the county for tax year 1999, multiplied by 11.25%, and an additional 50% of the taxable value attributable to electrical generation property under 15-6-141 within the county for tax year 1999, multiplied by 11.25%;~~

~~(b) for fiscal year 2001, an additional 25% of the taxable value of class six property within the county for tax year 1999, multiplied by 11.25%, and an additional 60% of the taxable value of class eight property within the county for tax year 1999, multiplied by 11.25%;~~

~~(c) for fiscal year 2002, an additional 50% of the taxable value of class six property within the~~

~~county for tax year 1999, multiplied by 11.25%, and an additional 60% of the taxable value of class eight property within the county for tax year 1999, multiplied by 11.25%;~~

~~(d) for fiscal year 2003, an additional 75% of the taxable value of class six property within the county for tax year 1999, multiplied by 11.25%, and an additional 60% of the taxable value of class eight property within the county for tax year 1999, multiplied by 11.25%;~~

~~(e) for fiscal years in which the tax rate for class eight property is 2%, an additional 100% of the taxable value of class six property within the county for tax year 1999, in each case of class six property, multiplied by 11.25%, and an additional 77% of the taxable value of class eight property within the county for tax year 1999, multiplied by 11.25%;~~

~~(f) for fiscal years in which the tax rate for class eight property is 1%, an additional 94% of the taxable value of former class eight property within the county for tax year 1999, in each case of former class eight property, multiplied by 11.25%; and~~

~~(g) for the fiscal year and succeeding fiscal years in which 15-6-138 is repealed, an additional 100% of the taxable value of former class eight property within the county for tax year 1999, in each case of former class eight property, multiplied by 11.25%.~~

(2) A county may issue bonds in an amount that, with all outstanding bonds and warrants, exceeds ~~11.25%~~ 0.68% but does not exceed ~~22.5%~~ 1.4% of the total ~~of the taxable~~ assessed value of ~~the~~ taxable property~~, as adjusted in subsection (1), plus an additional 50% of the taxable value of telecommunications property under 15-6-141 within the county for tax year 1999, multiplied by the amount that exceeds 11.25% but does not exceed 22.5% and an additional 50% of the taxable value attributable to electrical generation property under 15-6-141 within the county for tax year 1999, multiplied by the amount that exceeds 11.25% but does not exceed 22.5%~~, determined as provided in 15-8-111, when necessary for the purpose of replacing, rebuilding, or repairing county buildings, bridges, or highways that have been destroyed or damaged by an act of God or by a disaster, catastrophe, or accident.

(3) The value of the bonds issued and all other outstanding indebtedness of the county may not exceed ~~22.5%~~ 1.4% of the total ~~of the taxable~~ assessed value of ~~the~~ taxable property, determined as provided in 15-8-111, within the county~~, as adjusted in this section~~, as ascertained by the last assessment for state and county taxes prior to the issuance of the bonds."

Section 17. Section 7-14-2525, MCA, is amended to read:

"7-14-2525. Refunding agreements and refunding bonds authorized. (1) Whenever the total indebtedness of a county exceeds ~~22.5%~~ 1.4% of the total ~~of the taxable~~ assessed value of ~~the~~ taxable property, determined as provided in 15-8-111, ~~in~~ within the county~~, as adjusted in 7-14-2524,~~ and the board determines that the county is unable to pay the indebtedness in full, the board may:

(a) negotiate with the bondholders for an agreement under which the bondholders agree to accept less than the full amount of the bonds and the accrued unpaid interest in satisfaction of the bonds;

(b) enter into the agreement;

(c) issue refunding bonds for the amount agreed upon.

(2) These bonds may be issued in more than one series, and each series may be either amortization or serial bonds.

(3) The plan agreed upon between the board and the bondholders must be embodied in full in the resolution providing for the issuance of the bonds."

Section 18. Section 7-14-4402, MCA, is amended to read:

"7-14-4402. Limit on indebtedness to provide bus service. The total amount of indebtedness authorized under 7-14-4401(1) to be contracted in any form, including ~~the then existing~~ existing indebtedness, may not at any time exceed ~~28% of~~ the ~~total taxable value of the property of the city or town subject to taxation as ascertained by the last assessment for state and county taxes~~ debt limitation established in 7-7-4201. ~~No money~~ Money may not be borrowed or bonds issued for the purposes specified in 7-14-4401(1) until the proposition has been submitted to the vote of the taxpayers of the city or town and ~~the~~ a majority vote is cast in its favor."

Section 19. Section 7-16-2327, MCA, is amended to read:

"7-16-2327. Indebtedness for park purposes. (1) Subject to the provisions of subsection (2), a county park board, in addition to powers and duties given under law, may contract an indebtedness in on behalf of a county, upon the credit of the county, in order to carry out its powers and duties.

(2) (a) The total amount of indebtedness authorized to be contracted in any form, including ~~the then existing~~ existing indebtedness, may not at any time exceed ~~13%~~ 0.79% of the total ~~of the taxable~~ assessed value of ~~the~~ taxable property, determined as provided in 15-8-111, ~~in~~ within the county, as

ascertained by the last assessment for state and county taxes ~~previous~~ prior to the incurring of the indebtedness~~, plus:~~

~~(i) the value provided by the department of revenue under 15-36-324(13);~~

~~(ii) an additional 50% of the taxable value of telecommunications property under 15-6-141 within the city or town for tax year 1999, multiplied by 13%, and an additional 50% of the taxable value attributable to electrical generation property under 15-6-141 within the county for tax year 1999, multiplied by 13%;~~

~~(iii) for fiscal year 2001, an additional 25% of the taxable value of class six property within the county for tax year 1999, multiplied by 13%, and an additional 60% of the taxable value of class eight property within the county for tax year 1999, multiplied by 13%;~~

~~(iv) for fiscal year 2002, an additional 50% of the taxable value of class six property within the county for tax year 1999, multiplied by 13%, and an additional 60% of the taxable value of class eight property within the county for tax year 1999, multiplied by 13%;~~

~~(v) for fiscal year 2003, an additional 75% of the taxable value of class six property within the county for tax year 1999, multiplied by 13%, and an additional 60% of the taxable value of class eight property within the county for tax year 1999, multiplied by 13%;~~

~~(vi) for fiscal years in which the tax rate for class eight property is 2%, an additional 100% of the taxable value of class six property within the county for tax year 1999, in each case of class six property, multiplied by 13%, and an additional 77% of the taxable value of class eight property within the county for tax year 1999, multiplied by 13%;~~

~~(vii) for fiscal years in which the tax rate for class eight property is 1%, an additional 94% of the taxable value of former class eight property within the county for tax year 1999, in each case of former class eight property, multiplied by 13%; and~~

~~(viii) for the fiscal year and succeeding fiscal years in which 15-6-138 is repealed, an additional 100% of the taxable value of former class eight property within the county for tax year 1999, in each case of former class eight property, multiplied by 13%~~.

(b) Money may not be borrowed on bonds issued for the purchase of lands and improving the land for any purpose until the proposition has been submitted to the vote of those qualified under the provisions of the state constitution to vote at the election in the affected county and a majority vote is cast in favor of the bonds."

Section 20. Section 7-16-2433, MCA, is amended to read:

"7-16-2433. Park district bonds authorized. (1) A county park district may borrow money by the issuance of its bonds to provide funds for payment of all or part of the cost of construction, acquisition, furnishing, equipping, extension, and betterment of park facilities and to provide an adequate working capital for ~~such~~ park facilities.

(2) The amount of bonds issued for ~~such purchase~~ the purposes provided in subsection (1) and outstanding at any time may not exceed ~~20%~~ 1.22% of the ~~taxable~~ total assessed value of ~~the~~ taxable property, determined as provided in 15-8-111, within the district, as ascertained by the last assessment for state and county taxes ~~previous~~ prior to the issuance of ~~such~~ the bonds.

(3) ~~Such~~ The bonds must be authorized, sold, and issued and provisions made for their payment in the manner and subject to the conditions and limitations prescribed for bonds of school districts by Title 20, chapter 9, part 4."

Section 21. Section 7-16-4104, MCA, is amended to read:

"7-16-4104. Authorization for municipal indebtedness for various cultural, social, and recreational purposes. (1) A city or town council or commission may contract an indebtedness on behalf of the city or town, upon the credit of the city or town, by borrowing money or issuing bonds:

(a) for the purpose of purchasing and improving lands for public parks and grounds;

(b) for procuring by purchase, construction, or otherwise a swimming pool facility, athletic field, skating rink, playground, museum, golf course, site and building for a civic center, youth center, or any combination of these facilities; and

(c) for furnishing, equipping, repairing, or rehabilitating a swimming pool facility, athletic field, skating rink, playground, museum, golf course, civic center, or youth center.

(2) (a) The total amount of indebtedness authorized to be contracted in any form, including the ~~then-existing~~ existing indebtedness, may not at any time exceed ~~16.5%~~ 0.9% of the ~~taxable~~ total assessed value of ~~the~~ taxable property, determined as provided in 15-8-111, ~~of~~ within the city or town, as ascertained by the last assessment for state and county taxes ~~previous~~ prior to the incurring of the indebtedness~~, plus:~~

~~(i) for general obligation bonds to be issued during fiscal year 1998, an additional 22% of the~~

~~taxable value of class eight property within the county for tax year 1995 and, for general obligation bonds to be issued during fiscal years 1999 through 2008, an additional 33% of the taxable value of class eight property within the city for tax year 1995, in each case of class eight property, multiplied by 16.5%;~~

~~(ii) an additional 50% of the taxable value of telecommunications property under 15-6-141 within the city or town for tax year 1999, multiplied by 16.5%, and an additional 50% of the taxable value attributable to electrical generation property under 15-6-141 within the city or town for tax year 1999, multiplied by 16.5%.~~

(b) Money may not be borrowed for any purpose on bonds issued for the purchase of lands and improving the land until the proposition has been submitted to the vote of the qualified electors of the city or town and a majority vote is cast in favor of the proposition."

Section 22. Section 7-31-106, MCA, is amended to read:

"7-31-106. Authorization for county to issue bonds -- election required. (1) If the petition is presented to the board of county commissioners, the board shall, for the purpose of raising money to meet the payments under the terms and conditions of the contract and other necessary and proper expenses for the contract and for the approval or disapproval of the petition:

(a) ascertain, within 30 days after submission of the petition, the existing indebtedness of the county in the aggregate; and

(b) submit, after ascertaining the aggregate indebtedness, to the electors of the county the proposition to approve or disapprove the contract and the issuance of bonds necessary to carry out the contract. The election must be held in conjunction with a regular or primary election.

(2) The amount of the bonds authorized by this section may not exceed ~~22.5% of the taxable value of the taxable property in the county, inclusive of the existing indebtedness of the county, to be ascertained by the last assessment for state and county taxes previous~~ the debt limitation established in 7-7-2203 prior to the issuance of the bonds ~~and incurring of the indebtedness~~."

Section 23. Section 7-31-107, MCA, is amended to read:

"7-31-107. Authorization for municipality to issue bonds -- election required. (1) If the petition is presented to the council of any incorporated city or town, the council, for the purpose of raising money to meet the payments under the terms and conditions of the contract and other necessary and proper

expenses for the contract and for the approval or disapproval of the petition, shall:

(a) ascertain, within 30 days after submission of the petition, the aggregate indebtedness of the city or town; and

(b) submit, after ascertaining the aggregate indebtedness, to the electors of the city or town the proposition to approve or disapprove the contract and the issuance of bonds necessary to carry out the contract. The election must be held in conjunction with a regular or primary election.

(2) The amount of the bonds authorized by this section may not exceed ~~16.5%~~ 0.9% of the ~~taxable~~ total assessed value of ~~the~~ taxable property, determined as provided in 15-8-111, ~~in~~ within the city or town, inclusive of the existing indebtedness of the city or town, ~~to be~~ as ascertained in the manner provided in this part."

Section 24. Section 7-33-2109, MCA, is amended to read:

"**7-33-2109. Tax levy, debt incurrence, and bonds authorized.** (1) At the time of the annual levy of taxes, the board of county commissioners may, subject to 15-10-420, levy a special tax upon all property within a rural fire district for the purpose of buying or maintaining fire protection facilities and apparatus, including emergency response apparatus, for the district or for the purpose of paying to a city, town, or private fire service the consideration provided for in any contract with the council of the city, town, or private fire service for the purpose of furnishing fire protection service to property within the district. The tax must be collected as are other taxes.

(2) The board of county commissioners or the trustees, if the district is governed by trustees, may pledge the income of the district, subject to the requirements and limitations of 7-33-2105(3), to secure financing necessary to procure equipment and buildings to house the equipment.

(3) In addition to the levy authorized in subsection (1), a district may borrow money by the issuance of bonds to provide funds for the payment of all or part of the cost of buying or maintaining fire protection facilities and apparatus, including emergency response apparatus, for the district.

(4) The amount of debt incurred pursuant to subsection (2) and the amount of bonds issued pursuant to subsection (3) and outstanding at any time may not exceed ~~18%~~ 1.1% of the ~~taxable~~ total assessed value of ~~the~~ taxable property, determined as provided in 15-8-111, ~~in~~ within the district, as ascertained by the most recent assessment for state and county taxes prior to the incurrence of debt or the issuance of the bonds.

(5) The bonds must be authorized, sold, and issued and provisions must be made for their payment in the manner and subject to the conditions and limitations prescribed for the issuance of bonds by counties under Title 7, chapter 7, part 22."

Section 25. Section 7-33-2404, MCA, is amended to read:

"7-33-2404. Financing of fire service area -- fee on structures. (1) In the resolution creating the fire service area and by resolution as necessary after creation of the fire service area, the board of county commissioners shall establish a schedule of rates to be charged owners of structures that are benefited by the services offered by the fire service area.

(2) The rates must be applied on a fair and equal basis to all classes of structures benefited by the fire service area.

(3) The board of county commissioners shall collect the funds necessary to operate the fire service area by charging the area rate as a special assessment on the owners of structures and shall collect the assessments with the general taxes of the county. The assessments are a lien on the assessed property.

(4) The board of county commissioners or the trustees, if the fire service area is governed by trustees under 7-33-2403, may pledge the income of the fire service area to secure financing necessary to procure equipment and buildings to house the equipment. The outstanding amount of the indebtedness may not exceed ~~18%~~ 1.1% of the ~~taxable valuation~~ total assessed value of taxable property, determined as provided in 15-8-111, within the area, as ascertained by the last assessment for state and county taxes prior to the incurring of the indebtedness."

Section 26. Section 7-34-2131, MCA, is amended to read:

"7-34-2131. Hospital district bonds and notes authorized. (1) (a) A hospital district may borrow money by the issuance of its bonds to provide funds for payment of part or all of the cost of acquisition, furnishing, equipment, improvement, extension, and betterment of hospital facilities and to provide an adequate working capital for a new hospital.

(b) The amount of bonds issued for ~~such purpose~~ the purposes referred to in subsection (1)(a) and outstanding at any time may not exceed ~~22.5%~~ 1.4% of the ~~taxable~~ total assessed value of ~~the~~ taxable property, determined as provided in 15-8-111, ~~therein~~ within the district, as ascertained by the last assessment for state and county taxes ~~previous~~ prior to the issuance of ~~such~~ the bonds.

(c) ~~Such~~ The bonds ~~shall~~ must be authorized, sold, and issued and provisions made for their payment in the manner and subject to the conditions and limitations prescribed for bonds of school districts by Title 20, chapter 9, part 4.

(2) (a) A hospital district may borrow money by the issuance of notes to provide funds to finance the costs described in subsection (1) and to finance the working capital requirements of the district. The notes must be authorized and in a form and terms prescribed by a resolution adopted by the board of trustees. The notes must mature over a term not to exceed 15 years.

(b) The principal and interest on the notes must be paid from the taxes levied pursuant to 7-34-2133 and 7-34-2134, exclusive of the taxes levied to pay bonds issued in accordance with subsection (1), and all other revenue of the district. The annual amount of principal and interest payable on notes in any fiscal year must be included in the district's budget for that year.

(c) The notes may be secured by a mortgage of or a security interest in all or part of the district's assets and by a pledge of the taxes and revenue of the district, or either of them.

(d) Notes may not be issued unless the projected annual revenue of the district, including the taxes levied pursuant to 7-34-2133 and 7-34-2134 but exclusive of the taxes levied to pay bonds, is at least equal to the sum of the cost of operating and maintaining the hospital district plus the maximum amount of principal and interest due in any future fiscal year on the notes proposed to be issued and all notes outstanding upon the issuance of the proposed notes.

(3) ~~Nothing herein shall~~ This section may not be construed to preclude the provisions of Title 50, chapter 6, part 1, allowing the state to apply for and accept federal funds."

Section 27. Section 15-23-703, MCA, is amended to read:

"15-23-703. Taxation of gross proceeds -- taxable value for ~~bonding~~ county classification and guaranteed tax base aid to schools. (1) The department shall compute from the reported gross proceeds from coal a tax roll that must be transmitted to the county treasurer on or before September 15 each year. The department may not levy or assess any mills against the reported gross proceeds of coal but shall levy a tax of 5% against the value of the reported gross proceeds as provided in 15-23-701(1)(d). The county treasurer shall proceed to give full notice, as provided in 15-16-101, to each coal producer of the taxes due and shall collect the taxes.

(2) For ~~bonding,~~ county classification, and all nontax purposes, the taxable value of the gross

proceeds of coal is 45% of the contract sales price as defined in 15-35-102.

(3) Except as provided in subsection (6), the county treasurer shall calculate and distribute to the state, county, and eligible school districts in the county the amount of the coal gross proceeds tax, determined by multiplying the unit value calculated in 15-23-705 times the tons of coal extracted, treated, and sold on which the coal gross proceeds tax was owed during the preceding calendar year.

(4) Except as provided in subsections (5), (6), and (8), the county treasurer shall credit the amount determined under subsection (3) and the amounts received under 15-23-706:

(a) to the state and to the counties that levied mills in fiscal year 1990 against 1988 production in the relative proportions required by the levies for state and county purposes in the same manner as property taxes were distributed in fiscal year 1990 in the taxing jurisdiction; and

(b) to school districts in the county that either levied mills in school fiscal year 1990 against 1988 production or used nontax revenue, such as impact aid money, as provided in 20 U.S.C. 7701, et seq., in lieu of levying mills against production, in the same manner that property taxes collected or property taxes that would have been collected would have been distributed in the 1990 school fiscal year in the school district.

(5) (a) If the total tax liability in a taxing jurisdiction exceeds the amount determined in subsection (3), the county treasurer shall, immediately following the distribution from taxes paid on May 31 of each year, send the excess revenue, excluding any protested coal gross proceeds tax revenue, to the department for redistribution as provided in 15-23-706.

(b) If the total tax liability in a taxing jurisdiction is less than the amount determined in subsection (3), the taxing jurisdiction is entitled to a redistribution as provided by 15-23-706.

(6) The board of county commissioners of a county may direct the county treasurer to reallocate the distribution of coal gross proceeds taxes that would have gone to a taxing unit, as provided in subsection (4)(a), to another taxing unit or taxing units, other than an elementary school or high school, within the county under the following conditions:

(a) The county treasurer shall first allocate the coal gross proceeds taxes to the taxing units within the county in the same proportion that all other property tax proceeds were distributed in the county in fiscal year 1990.

(b) If the allocation in subsection (6)(a) exceeds the total budget for a taxing unit, the commissioners may direct the county treasurer to allocate the excess to any taxing unit within the county.

(7) The board of trustees of an elementary or high school district may reallocate the coal gross proceeds taxes distributed to the district by the county treasurer under the following conditions:

(a) The district shall first allocate the coal gross proceeds taxes to the budgeted funds of the district in the same proportion that all other property tax proceeds were distributed in the district in fiscal year 1990.

(b) If the allocation under subsection (7)(a) exceeds the total budget for a fund, the trustees may allocate the excess to any budgeted fund of the school district.

(8) The county treasurer shall credit all taxes collected under this part from coal mines that began production after December 31, 1988, in the relative proportions required by the levies for state, county, and school district purposes in the same manner as property taxes were distributed in the previous fiscal year."

Section 28. Section 15-36-324, MCA, is amended to read:

"15-36-324. Distribution of taxes -- rules. (1) For each calendar quarter, the department shall determine the amount of tax, late payment interest, and penalty collected under this part. For purposes of distribution of the taxes to county and school taxing units, the department shall determine the amount of oil and natural gas production taxes paid on production in the taxing unit.

(2) Except as provided in subsections (3) through (5), oil production taxes must be distributed as follows:

(a) The amount equal to 39.3% of the oil production taxes, including late payment interest and penalty, collected under this part must be distributed as provided in subsection (9).

(b) The remaining 60.7% of the oil production taxes, plus accumulated interest earned on the amount allocated under this subsection (2)(b), must be deposited in the state special revenue fund in the state treasury and transferred to the county and school taxing units for distribution as provided in subsection (12).

(3) The amount equal to 100% of the oil production taxes, including late payment interest and penalty, collected from working interest owners on qualifying production occurring during the first 12 months of production must be distributed as provided in subsection (10).

(4) (a) The amount equal to 100% of the oil production taxes, including late payment interest and penalty, collected from working interest owners on production from horizontally completed wells occurring

during the first 18 months of production must be distributed as provided in subsection (10).

(b) The amount equal to 100% of the oil production taxes, including late payment interest and penalty, collected from working interest owners on the incremental production from horizontally recompleted wells occurring during the first 18 months of production must be distributed as provided in subsection (9).

(5) (a) The amount equal to 13.8% of the oil production taxes, including late payment interest and penalty, collected from working interest owners on the first 10 barrels of stripper oil production wells must be distributed as provided in subsection (10).

(b) The remaining 86.2% of the oil production taxes, plus accumulated interest earned on the amount allocated under this subsection (5)(b), must be deposited in the state special revenue fund in the state treasury and transferred to the county and school taxing units for distribution as provided in subsection (12).

(c) The amount equal to 100% of the oil production taxes, including late payment interest and penalty, collected from working interest owners on stripper well exemption production from pre-1985 wells and post-1985 wells must be distributed as provided in subsection (10).

(6) Except as provided in subsections (7) and (8), natural gas production taxes must be allocated as follows:

(a) The amount equal to 14% of the natural gas production taxes, including late payment interest and penalty, collected under this part must be distributed as provided in subsection (11).

(b) The remaining 86% of the natural gas production taxes, plus accumulated interest earned on the amount allocated under this subsection (6)(b), must be deposited in the state special revenue fund in the state treasury and transferred to the county and school taxing units for distribution as provided in subsection (12).

(7) The amount equal to 100% of the natural gas production taxes, including late payment interest and penalty, collected from working interest owners under this part on production from wells occurring during the first 12 months of production must be distributed as provided in subsection (10).

(8) The amount equal to 100% of natural gas production taxes, including late payment interest and penalty, collected from working interest owners on production from horizontally completed wells occurring during the first 18 months of production must be distributed as provided in subsection (10).

(9) The department shall, in accordance with the provisions of 15-1-501, distribute the state

portion of oil production taxes specified in subsections (2)(a) and (4)(b), including late payment interest and penalty collected, as follows:

(a) 86.21% to the state general fund;

(b) 5.17% to the state special revenue fund for the purpose of paying expenses of the board as provided in 82-11-135; and

(c) 8.62% to be distributed as provided in 15-38-106(2).

(10) The department shall distribute the state portion of oil and natural gas production taxes specified in subsections (3), (4)(a), (5)(a), (5)(c), (7), and (8), including late payment interest and penalty collected, as follows:

(a) 37.5% to the state special revenue fund for the purpose of paying expenses of the board as provided in 82-11-135; and

(b) 62.5% to be distributed as provided in 15-38-106(2).

(11) The department shall, in accordance with the provisions of 15-1-501, distribute the state portion of natural gas production taxes specified in subsection (6)(a), including late payment interest and penalty collected, as follows:

(a) 76.8% to the state general fund;

(b) 8.7% to the state special revenue fund for the purpose of paying expenses of the board as provided in 82-11-135; and

(c) 14.5% to be distributed as provided in 15-38-106(2).

(12) (a) By the dates referred to in subsection (13), the department shall, except as provided in subsection (12)(b), calculate and distribute oil and natural gas production taxes received under subsections (2)(b), (5)(b), and (6)(b) to each eligible county in proportion to the oil and natural gas production taxes received under subsections (2)(b), (5)(b), and (6)(b) that are attributable to production in that county.

(b) The department shall distribute 5% of the oil and natural gas production taxes received under subsections (2)(b), (5)(b), and (6)(b) from pre-1999 wells to eligible counties in proportion to the underfunding that would have occurred from the tax liability distribution of pre-1985 oil and natural gas production taxes for production in calendar year 1997.

(c) Except as provided in subsection (12)(d), the county treasurer shall distribute the money received under subsection (12)(b) to the taxing units that levied mills in fiscal year 1990 against calendar year 1988 production in the same manner that all other property tax proceeds were distributed during

fiscal year 1990 in the taxing unit, except that a distribution may not be made to a municipal taxing unit.

(d) The board of county commissioners of a county may direct the county treasurer to reallocate the distribution of oil and natural gas production tax money that would have gone to a taxing unit, as provided in subsection (12)(c), to another taxing unit or taxing units, other than an elementary school or high school, within the county under the following conditions:

(i) The county treasurer shall first allocate the oil and natural gas production taxes to the taxing units within the county in the same proportion that all other property tax proceeds were distributed in the county in fiscal year 1990.

(ii) If the allocation in subsection (12)(d)(i) exceeds the total budget for a taxing unit, the commissioners may direct the county treasurer to allocate the excess to any taxing unit within the county.

(e) The board of trustees of an elementary or high school district may reallocate the oil and natural gas production taxes distributed to the district by the county treasurer under the following conditions:

(i) The district shall first allocate the oil and natural gas production taxes to the budgeted funds of the district in the same proportion that all other property tax proceeds were distributed in the district in fiscal year 1990.

(ii) If the allocation under subsection (12)(e)(i) exceeds the total budget for a fund, the trustees may allocate the excess to any budgeted fund of the school district.

(f) The county treasurer shall distribute oil and natural gas production taxes received under subsection (12)(a) between county and school taxing units in the relative proportions required by the levies for state, county, and school district purposes in the same manner as property taxes were distributed in the preceding fiscal year.

(g) The allocation to the county in subsection (12)(f) must be distributed by the county treasurer in the relative proportions required by the levies for county taxing units and in the same manner as property taxes were distributed in the preceding fiscal year.

(h) The money distributed in subsection (12)(f) that is required for the county mill levies for school district retirement obligations and transportation schedules must be deposited to the funds established for these purposes.

(i) The oil and natural gas production taxes distributed under subsection (12)(c) that are required for the 6-mill university levy imposed under 20-25-423 and for the county equalization levies imposed under 20-9-331 and 20-9-333, as those sections read on July 1, 1989, must be remitted by the county

treasurer to the state treasurer.

(j) The oil and natural gas production taxes distributed under subsection (12)(f) that are required for the 6-mill university levy imposed under 20-25-423, for the county equalization levies imposed under 20-9-331 and 20-9-333, and for the state equalization aid levy imposed under 20-9-360 must be remitted by the county treasurer to the state treasurer.

(k) The amount of oil and natural gas production taxes remaining after the treasurer has remitted the amounts determined in subsections (12)(i) and (12)(j) is for the exclusive use and benefit of the county and school taxing units.

(13) The department shall remit the amounts to be distributed in subsection (12) to the county treasurer by the following dates:

(a) On or before August 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending March 31 of the current year.

(b) On or before November 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending June 30 of the current year.

(c) On or before February 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending September 30 of the previous year.

(d) On or before May 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending December 31 of the previous calendar year.

(14) The department shall provide to each county by May 31 of each year the amount of gross taxable value represented by all types of production taxed under 15-36-304 for the previous calendar year multiplied by 60%. The resulting value must be treated as taxable value for county classification purposes ~~and for county bonding purposes~~.

(15) (a) In the event that the board ~~of oil and gas conservation~~ revises the privilege and license tax pursuant to 82-11-131, the department shall, by rule, change the formula under this section for distribution of taxes collected under 15-36-304. The revised formula must provide for the distribution of taxes in an amount equal to the rate adopted by the board ~~of oil and gas conservation~~ for ~~the~~ its expenses

~~of the board~~.

(b) Before the department adopts a rule pursuant to subsection (15)(a), it shall present the proposed rule to the appropriate administrative rule review committee.

(16) The distribution to taxing units under this section is statutorily appropriated as provided in 17-7-502."

Section 29.. Section 19-18-503, MCA, is amended to read:

"19-18-503. Special tax levy for fund required. (1) The purpose of this section is to provide a means by which each disability and pension fund may be maintained at a level equal to at least ~~4%~~ 0.21% but no more than ~~10%~~ 0.52% of the ~~taxable valuation~~ total assessed value of ~~all~~ taxable property, determined as provided in 15-8-111, within the limits of the city or town.

(2) Whenever the fund contains less than ~~4%~~ 0.21% of the ~~taxable valuation~~ total assessed value of all taxable property within the limits of the city or town, the governing body of the city or town shall, at the time of the levy of the annual tax, levy a special tax as provided in 19-18-504. The special tax must be collected as other taxes are collected and, when collected, must be paid into the disability and pension fund.

(3) If a special tax for the disability and pension fund is levied by a third-class city or town using the all-purpose mill levy, the special tax levy must be made in addition to the all-purpose levy."

Section 30. Section 19-18-504, MCA, is amended to read:

"19-18-504. Amount of special tax levy. Whenever the fund contains an amount that is less than ~~4%~~ 0.21% of the ~~taxable valuation~~ total assessed value of ~~all~~ taxable property, determined as provided in 15-8-111, ~~in~~ within the city or town, the city or town council shall, subject to 15-10-420, levy an annual special tax of not less than 1 mill and not more than 4 mills on each dollar of taxable valuation of all taxable property within the city or town. When the fund contains an amount that is less than ~~10%~~ 0.52% but more than ~~4%~~ 0.21% of the ~~taxable valuation~~ total assessed value of all taxable property ~~in~~ within the city or town, the city or town council may, if authorized by the voters, levy an annual special tax of not less than 1 mill and not more than 4 mills on each dollar of taxable valuation."

Section 31. Section 39-71-403, MCA, is amended to read:

"**39-71-403. Plan three exclusive for state agencies -- election of plan by public corporations -- financing of self-insurance fund -- exemption for university system -- definition.** (1) Except as provided in subsection (5), if a state agency is the employer, the terms, conditions, and provisions of compensation plan No. 3, state fund, are exclusive, compulsory, and obligatory upon both employer and employee. Any sums necessary to be paid under the provisions of this chapter by a state agency are considered to be ordinary and necessary expenses of the agency. The agency shall make appropriation of and pay the sums into the state fund at the time and in the manner provided for in this chapter, notwithstanding that the state agency may have failed to anticipate the ordinary and necessary expense in a budget, estimate of expenses, appropriations, ordinances, or otherwise.

(2) A public corporation, other than a state agency, may elect coverage under compensation plan No. 1, plan No. 2, or plan No. 3, separately or jointly with any other public corporation, other than a state agency. A public corporation electing compensation plan No. 1 may purchase reinsurance or issue bonds or notes pursuant to subsection (3)(b). A public corporation electing compensation plan No. 1 is subject to the same provisions as a private employer electing compensation plan No. 1.

(3) (a) A public corporation, other than a state agency, that elects plan No. 1 may establish a fund sufficient to pay the compensation and benefits provided for in ~~this chapter and~~ chapter 72 and this chapter and to discharge all liabilities that are reasonably incurred during the fiscal year for which the election is effective. Proceeds from the fund must be used only to pay claims covered by ~~this chapter and~~ chapter 72 and this chapter and for actual and necessary expenses required for the efficient administration of the fund, including debt service on any bonds and notes issued pursuant to subsection (3)(b).

(b) (i) A public corporation, other than a state agency, separately or jointly with another public corporation, other than a state agency, may issue and sell its bonds and notes for the purpose of establishing, in whole or in part, the self-insurance workers' compensation fund provided for in subsection (3)(a) and to pay the costs associated with the sale and issuance of the bonds. Bonds and notes may be issued in an amount not exceeding ~~3%~~ 0.18% of the ~~taxable valuation~~ total assessed value of taxable property, determined as provided in 15-8-111, of the public corporation as of the date of issue. The bonds and notes must be authorized by resolution of the governing body of the public corporation and are payable from an annual property tax levied in the amount necessary to pay principal and interest on the bonds or notes. This authority to levy an annual property tax exists despite any provision of law or maximum levy limitation to the contrary. The revenue derived from the sale of the bonds and notes may not be used for

any other purpose.

(ii) The bonds and notes:

(A) may be sold at public or private sale;

(B) do not constitute debt within the meaning of any statutory debt limitation; and

(C) may contain other terms and provisions ~~as~~ that the governing body determines.

(iii) Two or more public corporations, other than state agencies, may agree to exercise their respective borrowing powers jointly under this subsection (3)(b) or may authorize a joint board to exercise the powers on their behalf.

(iv) The fund established from the proceeds of bonds and notes issued and sold under this subsection (3)(b) may, if sufficient, be used in lieu of a surety bond, reinsurance, specific and aggregate excess insurance, or any other form of additional security necessary to demonstrate the public corporation's ability to discharge all liabilities as provided in subsection (3)(a). Subject to the ~~3% of taxable valuation~~ total assessed value limitation in subsection (3)(b)(i), a public corporation may issue bonds and notes to establish a fund sufficient to discharge liabilities for periods greater than 1 year.

(4) All money in the fund established under subsection (3)(a) not needed to meet immediate expenditures must be invested by the governing body of the public corporation or the joint board created by two or more public corporations as provided in subsection (3)(b)(iii), and all proceeds of the investment must be credited to the fund.

(5) The provisions of subsection (1) do not apply to the Montana university system.

(6) As used in subsections (2) through (4), "public corporation" includes the Montana university system."

Section 32. Section 85-9-406, MCA, is amended to read:

"85-9-406. Directors' powers over finance. On behalf of the district, the directors may:

(1) borrow money and incur indebtedness and issue bonds to finance works as provided by this chapter;

(2) in addition to all voted indebtedness, borrow money as necessary, but the amount ~~shall~~ may not at any one time exceed ~~5%~~ 0.23% of the ~~taxable valuation~~ total assessed value of taxable real property, determined as provided in 15-8-111, ~~in~~ within the district, as ascertained by the last assessment for state and county taxes prior to the issuance of the bonds;

(3) mortgage property owned by the district if the terms of the mortgage are not inconsistent with the provisions of a resolution authorizing the sale of bonds;

(4) use any surplus funds to purchase outstanding bonds;

(5) refund bonded indebtedness incurred by the district as provided by this chapter;

(6) after a hearing held in accordance with 85-9-602, make assessments sufficient to meet the budgetary requirements for the coming year."

NEW SECTION. **Section 33. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. **Section 34. Effective date.** [This act] is effective July 1, 2001.

NEW SECTION. **Section 35. Applicability.** (1) [This act] applies to the authorization and issuance of bonds occurring on or after July 1, 2001.

(2) Debt limits established under [this act] do not apply to bonds authorized before July 1, 2001, regardless of when the bonds are issued.

- END -

FISCAL NOTE

Bill #: HB0023 **Title:** Generally revise local government debt limits and certain bonding provisions

Primary Sponsor: Ron Erickson **Status:** As introduced

Sponsor signature Date Chuck Swysgood, Budget Director 1/9/01 Date

Fiscal Summary

	FY2002 Difference	FY2003 Difference
Net Impact on General Fund Balance:	**0**	**0**

Yes	No		Yes	No	
X		Significant Local Gov. Impact	X		Technical Concerns
	X	Included in the Executive Budget		X	Significant Long-Term Impacts
	X	Dedicated Revenue Form Attached		X	Family Impact Form Attached

Fiscal Analysis

ASSUMPTIONS:

1. Taxable Value for all counties in FYE 2001 is $1,679,739,875 which provided for a debt limitation state wide of $386,340,171 for county government (23% of taxable).
2. Taxable Value for all municipalities in FYE 2001 is $608,942,588 which provided for a debt limitation for all municipalities for both bonded indebtedness, and water and sewer systems of $505,422,348 (83% of taxable – 28% for bonded indebtedness and 55% for water/sewer systems)
3. Assessed value for Counties was $44,658,405,403, and for municipalities was $15,348,707,539 in FYE 2001.

FISCAL IMPACT:

The bill will provide for an increase in debt limitations for counties in the approximate amount of $238,878,000 based on the FYE 2001 assessed values. Municipality debt limitations would increase by approximately $85,600,000 based on the FYE 2001 assessed values. ($61,262,000 for bonded indebtedness and $24,338,000 for water/sewer systems)

HB 23

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Revenues would increase because additional debt incurred as a result of the increased debt limitations. There would be a need to fund the increased debt repayments through increased voter approved tax levies. Related debt payments would also increase because of increased debt service requirements

LONG-RANGE IMPACTS:

Since most general obligation debt extends to a 20 year maturity, increased debt capacity would also be extended because of the incurrence of additional debt by local government as allowed by the increased debt capacity.

TECHNICAL NOTES:

1. Section 7-7-4423, MCA, exempts revenue bonds from the definition of debt for the purpose of determining any constitutional or statutory limitation for municipalities.
2. Section 7-7-4104, MCA provides for the incurrence by a municipality of certain general obligations. The obligations incurred under this provision do not constitute indebtedness for the purpose of statutory debt limitations.
3. Assessed value of class four properties is the value of the property prior to applying the exemptions set forth in 15-6-201. The proposal refers to "total assessed value of taxable property, determined as provided in 15-18-111". Subsection 6(d) of 15-8-111 states that properties in class four "are assessed at the applicable percentage of market value minus any portion of market value that is exempt from taxation. It is unclear if the assessed value of class four is the value prior to the application of the homestead exemption of if it is the value after application of the homestead exemption. If the intent is to determine the total assed value with the assessed value of class four being the value before application of the homestead exemption the language can be clarified by inserting the phrase "prior to the application of exemptions in 15-6-201(1) (z) and 15-6-201 (1) (aa)" after the bill language "total assessed value".

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON TAXATION

Call to Order: By **CHAIRMAN BOB STORY**, on January 9, 2001 at 9:00 A.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Bob Story, Chairman (R)
Rep. Ron Erickson, Vice Chairman (D)
Rep. Roger Somerville, Vice Chairman (R)
Rep. Keith Bales (R)
Rep. Joe Balyeat (R)
Rep. Gary Branae (D)
Rep. Eileen Carney (D)
Rep. Larry Cyr (D)
Rep. Rick Dale (R)
Rep. Ronald Devlin (R)
Rep. John Esp (R)
Rep. Gary Forrester (D)
Rep. Daniel Fuchs (R)
Rep. Verdell Jackson (R)
Rep. Jesse Laslovich (D)
Rep. Trudi Schmidt (D)
Rep. Butch Waddill (R)
Rep. Karl Waitschies (R)
Rep. David Wanzenried (D)

Members Excused: Rep. Joan Andersen (R)

Members Absent: None.

Staff Present: Jeff Martin, Legislative Branch
Rhonda Van Meter, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) & Date(s) Posted: HB 23, 1/4/2001; HB 24, 1/4/2001
Executive Action: None

CHAIRMAN STORY opened by explaining the process of the hearing of a bill, including sponsor opening, proponent testimony, opponent testimony, informational testimony, questions, and executive action. He reminded committee members they should take good notes because executive action might not be taken on a bill for a significant amount of time.

HEARING ON HB 23

Sponsor: **REPRESENTATIVE RON ERICKSON, HD 64, Missoula**

Proponents: **Anna Miller, Department of Natural Resources**
Gordon Morris, Montana Association of Counties
Gene Huntington
Mary Whittinghill, Montana Taxpayers Association
Alec Hansen, Montana League of Cities & Towns

Opponents: None.

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 6.5}

REPRESENTATIVE RON ERICKSON opened by saying he would first say a few words about reading bills since this is the first bill being heard in the committee. He used HB 23 as an example discussing the requestor process, title, number of sections, and looking for new sections and amendments. He said this bill is about a particular kind of debt. Examples were given of kinds of debt people cannot vote on and can vote on. There should be debt limits as stated in the Constitution, Article 8, Section 10. This bill proposes going from taxable value to assessed value. Every year the legislature changes taxable value, so they want to simplify. **EXHIBIT(1)**, **EXHIBIT(2)**, **EXHIBIT(3)**. These handouts are for extra information used in the subcommittee, but they are not something he would try to use on the floor. The idea of going from taxable value to appraised value is that appraised value is something that changes, is real, and is not something being changed by the legislature. When you change this, there are both winners and losers in both counties and cities. The various counties and cities have a very different mix of types of properties they have in them, including gas and oil properties. There was a lot of work done trying to decide how to make sure cities and counties were not being hurt. They decided to keep it simple and add 25% value to the appraised values out there for calculations to see what they get by using market values times a fixed percentage. The result of this calculation gives local governments an increase in bonding capacity of 25% on the

average. The bill is based on the 25% increase. For the most part, there are more possibilities of debt limit being increased than decreased. In the past county debt overall was at 23% with separate limits for general obligation versus jails. They got rid of treating jails differently and used the 23%. He asked if it was imprudent to have increased 25%, and their answer was it was not, as compared to other states, we are fairly lenient. Also most counties are butting up to their limit now and voters decide.

Proponents' Testimony:

{Tape : 1; Side : A; Approx. Time Counter : 24.1}

Gene Huntington stated he has worked for a decade working as a financial advisor dealing with municipal bonds and handles the relationship between local governments and school districts when they want to take their debt to the securities market and sell their bonds. This bill will make improvements on two points. The changes made in the last session accumulated with changes made before made understanding debt limits almost impossible for local governments, especially small jurisdictions, and this would be remedied. The second point is to make sure people understand this debt limit is required in the Constitution, but debt limits do not play a role in the purchasing of bonds by investors.

Alec Hansen, Montana League of Cities & Towns said when the debt limits were based on taxable value, every time the legislature made a decision affecting this value, they had to work with the bond companies and change a lot of sections including these debt limits based on taxable value. He gave an example of a problem this caused in Columbia Falls of financing a swimming pool because of the value of the property. The legislature does not change assessed value, so it will not be necessary to change all of the percentages listed in the bill. The bond market will ultimately decide whether these are good bonds and the slight expansion of debt limits is reasonable. People will ultimately decide, because on this type of debt it is a public vote.

Gordon Morris, Director, Montana Association of Counties said the other proponents heard from are correct in terms of their reasons for supporting the bill. He worked with the representatives on this bill. What is being proposed is a simplification mechanism that will hopefully take care of itself in the years to come as taxes are changed by actions of the legislature.

Mary Whittinghill, Montana Taxpayers Association, stated they believe this is good tax policy because it simplifies local financing and makes it easier for the taxpayer to understand how debt limits are set and easier for the smaller local government

units. The taxpayers would be protected here because ultimately this is turned over to the voters.

Anna Miller, Department of Natural Resources, stated they work with a lot of small and large communities with financing water and sewer systems, and there are a number of small communities who have struggled to build a project in their community and figure out how to finance it. This bill would make it a much less confusing process and would help greatly.

Opponents' Testimony: None.

Questions from Committee Members and Responses:

{Tape : 1; Side : A; Approx. Time Counter : 32.6}

REPRESENTATIVE BALYEAT asked if the local governments could still use Class 8 assessed value in their calculations even if the taxable value phases out to zero. If they could not use the assessed value once they hit the phase-out to zero, will any of the governments be up to their debt limits then. **REPRESENTATIVE ERICKSON** stated he did not know whether there would be problems when the Class 8 goes to zero. If it does go to zero, they cannot use it. **Jeff Martin** commented that would be taken out of the debt limit capacity for a local jurisdiction. The same thing will happen to livestock because that will be phased out to zero, but if Class 8 property is phased out, it is likely the legislature may have to make an adjustment to the rates in this bill.

REPRESENTATIVE ESP asked if the assessed value of taxable property included gross and net proceeds. **REPRESENTATIVE ERICKSON** responded that those things do count, but for those kinds of property, the value is given by a different means. **Mr. Martin** stated coal gross proceeds are not counted in the debt limit. Although it previously was a property tax, it went to a flat percentage amount for deriving the tax and is not subject to mill levies; however, there is some financial support from the taxation on gross proceeds because it is distributed on the basis of mill levies. **REPRESENTATIVE ESP** asked if it would include all metal mines. **Mr. Martin** stated it would.

REPRESENTATIVE BALES asked if there would be a concern with the bonding companies of possibly doing away with Class 8 and livestock tax and if this needed to be addressed in some way. **Gene Huntington** answered there will be disclosure on the sale of bonds on a current basis. They will look at this when determining interest rates to be charged. Larger jurisdictions get ratings and will be dealt with in a more formal manner and on

a statewide level. **REPRESENTATIVE ERICKSON** stated Carter County has 10% of its tax base in livestock, so there will be some changes because of this.

Closing by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 39.4}

REPRESENTATIVE ERICKSON stated there are a few things missing on this bill they may come back to. First they want to try to find a way every town could get a loan to buy a fire truck, which is around $70,000, but the debt limit on some towns is not that high, so there could be a problem of that nature. Second if the table handed out is looked out, the numbers seem random. The exact reason behind setting limits from years ago is not known. At some future time, they may want to come back and do some more simplification.

HEARING ON HB 24

Sponsor: **REPRESENTATIVE RON ERICKSON, HD 64, Missoula**

Proponents: **Madeline Quinlin, Chief of Staff, Office of Public Instruction**
Gene Huntington
Mary Whittinghill, Montana Taxpayers Association
Gordon Morris, Montana Association of Counties

Opponents: None

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 41.4}

REPRESENTATIVE RON ERICKSON stated this is a bill to limit debt provisions for public schools eliminating the adjustments. A great amount of time was spent thinking about whether they needed to do a whole lot here. Part of the problem is that schools are different from other kinds of property because of equalization. They are simplifying the bonding for the schools.

Proponents' Testimony:

{Tape : 1; Side : A; Approx. Time Counter : 43}

Madeline Quinlin, Chief of Staff, Office of Public Instruction, stated the committee discussed expanding the assessed value concept to school districts and decided not to pursue this. In addition to the current statute which allows school districts to

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON TAXATION

Call to Order: By **CHAIRMAN BOB STORY**, on January 15, 2001 at 10:00 A.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Bob Story, Chairman (R)
Rep. Ron Erickson, Vice Chairman (D)
Rep. Roger Somerville, Vice Chairman (R)
Rep. Joan Andersen (R)
Rep. Keith Bales (R)
Rep. Joe Balyeat (R)
Rep. Gary Branae (D)
Rep. Eileen Carney (D)
Rep. Larry Cyr (D)
Rep. Rick Dale (R)
Rep. Ronald Devlin (R)
Rep. John Esp (R)
Rep. Gary Forrester (D)
Rep. Verdell Jackson (R)
Rep. Jesse Laslovich (D)
Rep. Butch Waddill (R)
Rep. Karl Waitschies (R)
Rep. David Wanzenried (D)

Members Excused: Rep. Daniel Fuchs (R)
Rep. Trudi Schmidt (D)

Members Absent: None.

Staff Present: Jeff Martin, Legislative Branch
Rhonda Van Meter, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: None
Executive Action: HB 23; HB 24

CHAIRMAN STORY discussed the process of submitting amendments on a bill. He also discussed his thoughts on scheduling executive action on bills the committee has already heard, and there was input from bill sponsors as to the status of specific bills and amendments.

EXECUTIVE ACTION ON HB 23

Motion: **REPRESENTATIVE ERICKSON** moved that **HB 23 DO PASS**.

Discussion:

REPRESENTATIVE ERICKSON reminded the committee that this is a simplification bill going from taxable value to assessed value. The fiscal note as given has three technical notes which they feel should be removed.

REPRESENTATIVE WANZENRIED asked Jeff Martin to explain why these three notes should be removed. **Jeff Martin** said the third technical amendment refers to the calculations based on total market value versus taxable market value. The language in the bill refers to total assessed value, so there is confusion, but the language in the bill is clear that taxable market value is used and not total assessed value. The second technical note provides additional ability for local governments to incur debt, which was enacted last session, so he was unsure why this was needed. The first technical note is obvious and states if you issue debt and are repaying debt, it is based on revenue from the project and does not count toward general obligation debt. **REPRESENTATIVE WANZENRIED** asked if the committee could remove the technical notes. **REPRESENTATIVE ERICKSON** said he has been told they can. When this bill gets to the floor, it is hoped it will have a revised fiscal note without the notes, especially #3. **REPRESENTATIVE STORY** said after the committee takes executive action, they can request a revised fiscal note before the bill gets to the floor.

REPRESENTATIVE FORRESTER asked Chairman Story if he felt there were problems with the bill while in the interim committee and how the vote came out. **CHAIRMAN STORY** said he did not recall the vote on the interim committee but thought it was unanimous. In recent years we have reduced the property tax base, and every time this was done, we went back into all the bonding statutes and put an add-in back in. At the local level to figure the bonding capacity, they had to go through all the calculations to see if they were at their bonding capacity. The larger communities will never come close to their limit because the voters will never pass enough debt. The small communities could probably pass the debt, but their limit is so small they cannot

buy anything anyway, so they do not bond a lot. He referred to the handout Representative Erickson passed out showing the communities that would lose by changing to assessed value. **REPRESENTATIVE ERICKSON** said they looked at how other states did this, and they are more liberal with their debt limits than Montana. The increase for some cities and counties would not cause a big difference.

REPRESENTATIVE BALYEAT said in the fiscal impact it says municipality debt limitations would increase by approximately $85,600,000. Apparently the interim committee recommended to Representative Erickson where to set this at so there were not many losers and wondered if this was how this was decided on. **CHAIRMAN STORY** said if they left it at 100% there is a lot of losers. They picked a number of 120, and if the legislature wants to put in a different number, that would be fine. **Jeff Martin** said the $85 million was tied to technical note #3 and estimated based on using total market value rather than taxable market value. **REPRESENTATIVE BALYEAT** said it would not be $85 million increase if they had not made the wrong assumption. He asked if there was an idea of how much this would really be. **Jeff Martin** said it was about a 20% increase based on their calculations. **CHAIRMAN STORY** said it relates to all the residential property being valued in Class 4. It could be calculated, but you would have to know how much was residential property. **REPRESENTATIVE BALYEAT** asked if there was any simple way to amend the bill to make it clear so there is not the confusion of what value is used. **Jeff Martin** said it is just a matter of getting a revised fiscal note. **REPRESENTATIVE BALYEAT** asked if the language in the bill was clear but it was just misinterpreted for the fiscal note. **Jeff Martin** said that was correct. **REPRESENTATIVE ERICKSON** said during the interim process they tried a number of things, including taking the categories of counties and possibly having different percentages, but the bill was then getting more complex when simplifying was the goal. **REPRESENTATIVE BALYEAT** said he would vote for this because the voters decide anyway and can determine need better on a local basis. If no local governments are up to their limit now, it seems this is just a cleanup bill so each time the taxable values are adjusted they do not have to go back and change all of the statues.

REPRESENTATIVE SOMERVILLE said the voter at home now has a say in how the bondings are funded and what the amount is, so this is just to clean things up so the voter can make the final decision.

REPRESENTATIVE WANZENRIED asked if the interim committee looked at the need to have the state set limits of any kind.

REPRESENTATIVE ERICKSON said the Constitution demands that we do so.

CHAIRMAN STORY said another issue pointed out by the bond people during the committee hearing was that they do not pay attention to debt when they look at the bond, they look at repayment capacity when they set their ratings.

REPRESENTATIVE FORRESTER said the committee members needed to realize you do not have to ever sign a fiscal note and do not have to agree with it. **CHAIRMAN STORY** asked if it was his job to request a new fiscal note. **Jeff Martin** said it was the sponsor's responsibility.

Motion/Vote: **Motion Carried Unanimously, 20-0.**

EXECUTIVE ACTION ON HB 24

Motion: **REPRESENTATIVE ERICKSON** moved that **HB 24 DO PASS.**

Discussion:

REPRESENTATIVE ERICKSON said this was the bill regarding bonding for schools. Because of information given to them by Madeline Quinlin, the idea of going to assessed value was dropped. Taxable value was kept, but all of the add-backs were dropped. This decreases bonding capacity in one part of the code, but schools are different because they have equalization. Another part of the code says if a school is suddenly no longer able to get the bonds it needs, they can go to another part of the code and get them. Madeline Quinlin said there are some grade schools and middle schools where the 45% may not allow them to build a brand new school, but there are no new schools being built right now. This bill is a simple cleanup bill.

REPRESENTATIVE BALYEAT asked if in Representative Esp's district they are building new schools. **REPRESENTATIVE ESP** responded they are building a new school, but some of the costs come from the Hard Rock Mining Act, so the superintendents in the district felt this was not harmful. **CHAIRMAN STORY** said as they worked through this with OPI, they did not think it would create any major problems. The districts who are losing bonding value here gain it back on the state guarantee side anyway, so they might have more access to the state pool of money. None of this affects bonds presently in existence.

Motion/Vote: **Motion Carried Unanimously, 20-0.**

MINUTES

MONTANA SENATE
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON TAXATION

Call to Order: By **CHAIRMAN BOB DEPRATU**, on February 1, 2001 at 8:00 A.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Bob DePratu, Chairman (R)
Sen. Alvin Ellis Jr., Vice Chairman (R)
Sen. John C. Bohlinger (R)
Sen. Mack Cole (R)
Sen. Pete Ekegren (R)
Sen. Jon Ellingson (D)
Sen. Bill Glaser (R)
Sen. Dan Harrington (D)

Members Excused: Sen. Emily Stonington (D)

Members Absent: None.

Staff Present: Lee Heiman, Legislative Branch
Deb Thompson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: House Bill 23, 2/9/2001; House Bill 24, 2/9/2001
Executive Action: House Bill 24 Pass 8-0; Senate Bill 129 Pass As Amended 8-0

HEARING ON HOUSE BILL 23

Sponsor: **REPRESENTATIVE RON ERICKSON**, HD 64, Missoula

Proponents: **Gordon Morris, MACO; Alec Hansen, League of Cities and Towns; Gene Huntington**

SENATOR GLASER asked about the debt limits being lowered in certain areas that had extraordinary ability to bond under the old system. He wondered if any of them would be limited or if there was plenty of head room. **Mr. Huntington** replied that there was sufficient debt limits. **SENATOR GLASER** requested the committee hold off for 24 hours to make sure a debt limit reduction would not hurt small towns such as Drummond or Dutton. ***{Tape : 1; Side : A; Approx. Time Counter : 14.6 - 17.6}***

Closing by Sponsor: **REPRESENTATIVE ERICKSON** closed. He noted the concern for some small towns with their ability to bond for fire trucks. The question has always been asked - how are they going to pay for it.

HEARING ON HOUSE BILL 24

Sponsor: **REPRESENTATIVE RON ERICKSON**, HD 64, Missoula

Proponents: **Gene Huntington; Kathy Fabiano, OPI; Erik Burke, MEA-FT**

Opponents: None

Opening Statement by Sponsor: **REPRESENTATIVE ERICKSON** presented the bill. This bill was a simplification that got rid of the "add-backs". The question was whether it would hurt schools in their capacity to borrow money to build schools. This bill does not do that. He referred to page 3 of the bill. School equalization does not allow taxable value of the property to be the only consideration for bonding. They must be equalized and they can still borrow money.

Proponents' Testimony: **Gene Huntington** spoke in support of the bill. He worked in the Interim with the point of view of the securities market. Schools had more of a problem with local school districts trying to do planning. Schools were constantly trying to decide whether to build new schools or not. It took a request from the Department of Revenue to gather the data needed to do the calculations. In the case of schools, the debt limit does not enter in to credit considerations. These are done separately, either by the market or by the insurers.

Kathy Fabiano, OPI, spoke for the bill. She said the question raised was whether the 45% of taxable valuation would provide schools adequate bonding capacity. New information was looked at with the cost of new school construction in Montana and in neighboring states. According to a survey done by the American School and University published in May, 2000, the average per

MINUTES

MONTANA SENATE
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON TAXATION

Call to Order: By **CHAIRMAN BOB DEPRATU**, on February 6, 2001 at 8:00 A.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Bob DePratu, Chairman (R)
Sen. Alvin Ellis Jr., Vice Chairman (R)
Sen. John C. Bohlinger (R)
Sen. Mack Cole (R)
Sen. Pete Ekegren (R)
Sen. Jon Ellingson (D)
Sen. Bill Glaser (R)
Sen. Dan Harrington (D)
Sen. Emily Stonington (D)

Members Excused: None.

Members Absent: None.

Staff Present: Lee Heiman, Legislative Branch
Deb Thompson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: House Bill 37, 1/31/2001; Senate Bill 258, 1/31/2001; House Bill 192, 1/31/2001

Executive Action: House Bill 37 Pass 9-0; Senate Bill 281 Pass 9-0; House Bill 23 Pass 9-0; Senate Bill 258 Hold 1 amendment passed; Senate Bill 264 Hold 2 amendments passed

HEARING ON HOUSE BILL 37

Sponsor: **REPRESENTATIVE JOHN WITT, HD 89, CHOTEAU**

Proponents' Testimony: **Dolores Cooney**, representing the Department of Revenue, spoke in support of the bill. She discussed the need for amendments that would limit this grace period to those that qualify under a class four property tax assistance program. **EXHIBIT(2)** She explained the property tax exemptions, incentives and relief outlined in the handout.

Opponents' Testimony: **Harold Blatties** said the bill needed amendments. The amendments would be directed specifically to the low income people. He pointed out that the Stillwater Mine could walk in on the last day to pay taxes with a $2 million dollar check. He pointed out the possible need for a software program for counties in order to deal with this. Currently, the bills are automatically triggered with the penalties.

Testimony was distributed from **Cindy Sellers**, County Treasurer of Yellowstone County. **EXHIBIT(3)**

Questions from Committee Members and Responses: **SENATOR EKEGREN** commented that the amendments only targeted one group of people. This benefit should be provided for everyone. **SENATOR HOLDEN** said the idea came out of experiences from Governor Martz and Mark O'Keefe when they were campaigning and kept running into Montana residents who were living on social security and their checks came in after their taxes were due. **SENATOR EKEGREN** said he agreed with the idea of the bill but felt the population as a whole needed the same benefit. ***{Tape : 1; Side : B; Approx. Time Counter : 5.3 - 15.1}***

SENATOR HARRINGTON asked about the increased fiscal impact if this was extended to everyone. For example, some of the major taxpayers could hold their money for twenty days. **Ms. Cooney** said there would be a loss of interest to local governments. The proposed amendments would change the fiscal note.

Closing by Sponsor: **SENATOR HOLDEN** closed. He pointed out this bill was designed to help those lower income people who are on social security and are trying to pay their taxes. ***{Tape : 1; Side : B; Approx. Time Counter : 25.4 - 27}***

EXECUTIVE ACTION ON HOUSE BILL 23

SENATOR EKEGREN MOVED DO PASS. **SENATOR GLASER** pointed out that **Gordon Morris** checked on the small towns and found they were okay with the legislation.

The question was called. The motion carried 8-0 with **SENATOR HARRINGTON** being absent.

EXECUTIVE ACTION ON SENATE BILL 258

SENATOR BOHLINGER MOVED DO PASS. He distributed an amendment. **EXHIBIT(4)** He explained the amendment would bring compliance to the federal laws and was technical in nature. He moved the amendment. The question was called on the amendment. The motion was adopted unanimously. **SENATOR BOHLINGER** presented an amendment that was brought to him by **Rod Sunsted** from the Commissioner of Higher Education Office. The amendment would allow investors the option of placing money in equities as opposed to just a savings account. This amendment will accomplish that. He said the amendment had not been submitted to **Lee Heiman**. **CHAIRMAN DEPRATU** said the committee would need to hold off on executive action until this could be brought forth. **SENATOR ELLIS** said this was a good concept and for those who start early, it allowed their money to grow faster.

No action was taken on the bill.

EXECUTIVE ACTION ON SENATE BILL 264

SENATOR BOHLINGER MOVED SB 264. He explained the bill would allow alcohol taxes to be used to fund private for-profit chemical dependency treatment programs. He described the need for mental health to find money to fund mental health services. There is an opportunity to add money for that effort. He explained the need for an amendment that would hold harmless the private sector drug and alcohol treatment facilities. **EXHIBIT(5)** **Lee Heiman** referred to amendments by **SENATOR WATERMAN** as #26402. **EXHIBIT(6)** ***{Tape : 2; Side : A; Approx. Time Counter : 16 - 20}***

SENATOR STONINGTON MOVED AMENDMENTS 26404. **Lee Heiman** explained this would allow the use of Medicaid matching funds. He said amendment #26404 further amended #26402, which passed previously.

The question was called on the amendment #26404. **EXHIBIT(7)** The motion was adopted unanimously.

SENATOR STONINGTON suggested holding off on more committee action since information was incomplete.

No further action was taken by the committee. ***{Tape : 2; Side : B; Approx. Time Counter : 0}***